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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,102	12/10/2003	Takaharu Ouchi	016907-1585	4515
22428 7590 12/11/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER OVANDO, PABLO R	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,102	Applicant(s) OUCHI, TAKAHARU	
	Examiner Pablo R. Ovando	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment filed on 17 September 2007 has been entered.

Claim Objections

Claims 15 and 22 are objected to because of the following informalities: To avoid issues with lack of antecedent basis, "external" should be inserted before computer. Appropriate correction is required.

Claim 21 states that it depends on "claim 10", which is a canceled claim. In the interest of compact prosecution, examiner assumes applicant meant to have claim 21 depend on claim 18. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 11-15 and 18-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmstead et al, US Patent 7,265,866 (hereinafter referenced as Holmstead) in view of Tanimoto, US Patent 6,885,469 (hereinafter referenced as

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Tanimoto) and in further view of Chung et al, US Patent Application Publication 2002/0035631 (hereinafter referenced as Chung).

As to **claim 11**, Holmstead teaches a first communication unit connected to said management server by a network line (fig. 2 printer 100 is connected to server 208 or remote site 202 through the network as taught in col. 4 lines 22-27 and 52-60, note the connection between the printer 100 and the network 204. The management server reads on server 208 or remote site 202 as taught in col. 4 lines 22-27 and 52-60); a second communication unit connected, by a communication channel other than the network line, to an external computer which provides data for printing and is accessible to said management server (fig. 2 printer 100, note the connection between the host computer 206 and the printer);

a function implementation unit which performs processing and printing of data obtained from at least said first and second communication units (fig. 2 element 100 has the capability of processing and printing and is connected to fig. 2 element 206 and fig. 2 element 202). However, Holmstead does not teach a control section which detects internal statuses of said image forming apparatus, and sends detection results to said management server from said first communication unit as intra- apparatus information, said control section being configured to confirm availability of the communication channel between said second communication unit and said computer, upon occurrence of abnormality in the communication between said management server and said first

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communication unit, and to cause the intra-apparatus information to be forwarded to said management server via said computer.

In the same field of endeavor, Tanimoto teaches a control section which detects internal statuses of said image forming apparatus (col. 2 lines 56-64 teach that the CPU 10 detects irregularities in the hardware elements), and sends detection results to said management server from said first communication unit as intra- apparatus information (col. 2 lines 56-64 teach that the detection of the irregularities is sent to management client through the LAN i/f 16). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Tanimoto in Holmstead for the purpose of having a "device that monitors its own functions , reports detected errors to an external device" (col. 1 lines 35-40).

In the same field of endeavor, Chung teaches a CPU 111 that detects if there are other connections to the device and if a failure in the connection has occurred, a different communication means is selected (paragraph 17 and 23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teaching of selecting a different communication means of Chung in the Holmstead with Tanimoto combination as mentioned above for the purpose of detecting when a failure has occurred and having the option to have the "switching process for the communication link procedure can be carried out automatically" (paragraph 24). Additionally, it would allow the terminal to always have an alternate route in case of failure.

As to **claim 12**, Holmstead teaches that the first communication unit is further

connected to said computer by said network line (fig. 2, note that printer 100 is connected to host computer 206 via network 204).

As to **claim 13**, Holmstead teaches that the function implementation unit includes an image processing section, a scanner section and a printer section (col. 3 lines 60-67).

As to **claim 14**, Holmstead teaches that the second communication unit includes a parallel, USB, or Bluetooth interface (col. 4 lines 52-57).

As to **claim 15**, Holmstead teaches that the host computer is used by the printer to access the remote server 202 or optional server 208 (col. 4 lines 55-60)

As to **claims 18-22**, the combination of Holmstead with Tanimoto and Chung teach the method steps of claims 18-22 (see similar rejection to claims 11-15 respectively)

2. **Claims 16, 17, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmstead in view of Tanimoto and in further view of Chung, as applied to claim 11, and in further view of Li et al, US Patent 6,002, 491 (hereinafter referenced as Li) .

As to **claim 16**, Chung teaches that CPU 111 is connected with a modem device that uses a telephone server; additionally, the different connections are attempted when a failure occurs in one of the connection means. It is noted that the selection of

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the communication path can be arbitrary or specified. Therefore the priority of which path to use is a design choice since. The combination does not teach to convert the intra-apparatus information into an image of a two-dimensional bar code or characters. However, in the same field of endeavor, Li teaches a device 82 that encodes data into two dimensional barcodes (col. 10 lines 53-59) and sends the data via a facsimile transmission. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Li in the combination of Holmstead with Tanimoto and Chung for the purpose of encoding data and for efficiently "recreate application files" (col. 10 lines 61-63)

As to **claim 17** Chung teaches that a control section is configured to perform a guidance display relating to a contact with a service center or a check on the connection between said computer and said second communication unit, in a case where both of the communication channel between said second communication unit and said computer and the communication channel between said third communication unit and said management server are unavailable (fig. 2c element 220 and fig. 2c element 221, fig. 1 element 119)

As to **claims 23 and 24**, see similar rejection to claims 16 and 17 respectively (see claims 16 and 17).

Response to Arguments

Applicant's arguments with respect to claims 11-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

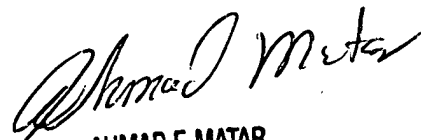
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST, Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.O.


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